

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**Robert Bernard Stein
Debtor**

**WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY, BUT SOLELY
AS TRUSTEE FOR MFRA TRUST 2014-2**

Movant

v.

**Robert Bernard Stein
and Ronda J. Winnecour, Esq.,
Chapter 13 Trustee**

Respondent

Bankruptcy NO.: 20-20666-CMB

CHAPTER 13

Related to Doc No. 17

**CONSENT ORDER FOR RELIEF FROM THE AUTOMATIC STAY, THE CODEBTOR
STAY, AND PROSPECTIVE IN REM STAY RELIEF PURSUANT TO 11 U.S.C.
§362(d)(4)**

It is hereby stipulated by and between Hill Wallack, LLP, counsel for the Movant, Wilmington Trust, National Association, not in its Individual Capacity, but solely as Trustee for MFRA Trust 2014-2, and Albert G. Reese, Jr. Esquire, counsel for the Debtor, as follows:

It is hereby **ORDERED** that the automatic stay is terminated as it effects the interest of the Movant with respect to that certain collateral referenced in Movant's Motion for Relief from Automatic stay as being 1502 Jennifer Court, Irwin, PA 15642; **PROVIDED HOWEVER**, that this Order granting relief from stay is stayed for so long as:

- (1) The Debtor shall commence curing arrears to the Standing Chapter 13 Trustee.

- (2) Secured Creditor's attorneys fees and costs relative to this Motion in the amount of \$1,031 shall be added to its claim for arrears and collected and paid by and through the Debtor's Chapter 13 plan.
- (3) The Debtor shall resume making payments to the Secured Creditor for ongoing mortgage payments and mortgage payment arrears commencing on July 1, 2020, and continuing for the remaining life of this case by and through the Standing Chapter 13 Trustee.
- (4) After the date of this Order, the Debtor(s) shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon with the respective plan payment is due.
- (5) It is hereby further ORDERED that *time is of the essence*. For the duration of this bankruptcy case, in the event that the Debtor(s) fail to make any subsequent plan payments (as well as such other payments that may be required by this Order) to the Chapter 13 Trustee within fifteen days of the date upon which said payment was due, then the stay of this Order shall be vacated and the automatic stay unconditionally lifted as it effects the interest of the Movant with said property or collateral upon the filing of an Affidavit of Default by Movant without further hearing. Such Affidavit of Default shall contain a statement of default as supported by the creditor's own records as well as the records of the Chapter 13 Trustee. Debtor will have seven (7) days within which to cure said default, after the expiration of which, should the Affidavit not be withdrawn by the Movant, the Court shall enter an order vacating the automatic stay, co-debtor stay and awarding prospective *in rem* stay relief to Movant such that upon the filing of any future bankruptcy proceeding by Debtor, Co-Debtor, or any other person with respect to the subject real property the automatic stay shall not go into effect pursuant to 11 U.S.C. §362(d)(4).
- (6) **ORDERED THAT:** The relief granted by this Order shall survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. Rule 4001(a)(3) is not applicable and Movant may immediately enforce and implement this Order granting Relief from the Automatic Stay.
- (7) **ORDERED THAT:** In the event that the automatic stay is terminated as provided in this Order, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject collateral, unless directed otherwise by further Order of Court.



Robert Stein
Debtor

Dated: 6-15-2020



Albert G. Reese, Jr.
Counsel for Debtor

Dated: 6-16-2020

/s/ Kaitlin D. Shire, Esq.

Kaitlin D. Shire, Esquire
Counsel for Movant

Dated: 6/19/2020

/s/ Owen Katz, Esq.
Owen Katz, Esquire
For the Chapter 13 Trustee

Dated: 7/13/20